

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ANTONIO URENA,

Plaintiff,

-against-

DYNAMICS FOOD CORP., *et al.*,

Defendants.
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1:23-cv-3205-GHW


ORDER

GREGORY H. WOODS, United States District Judge:

On June 20, 2023, Plaintiff submitted a notice of voluntary dismissal, seeking to dismiss this action against Defendants without prejudice under 41(a)(1)(A)(i). Dkt. No. 17. In *Samake v. Thunder Lube, Inc.*, 24 F.4th 804, 807 (2d Cir. 2022), the Second Circuit concluded that the Court must evaluate voluntary dismissals of FLSA claims without prejudice under Rule 41(a)(1)(A) to ensure that they do not obscure a settlement. As a result, the Court cannot endorse Plaintiff's stipulation of dismissal in its current form without conducting appropriate diligence as mandated by the Second Circuit. The Court will accept a stipulation of dismissal under Rule 41(a)(1)(A)(i) so long as the plaintiff certifies that there has been no settlement of FLSA claims. Counsel are directed to review the Second Circuit's opinion in *Thunder Lube* and to submit a sworn affidavit in support of the stipulation no later than June 27, 2023.

SO ORDERED.

Dated: June 20, 2023
New York, New York



GREGORY H. WOODS
United States District Judge